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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
TORIMIRO, ADETOKUNBO OLUSEGUN	

ART UNIT	PAPER NUMBER
3709	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/764,740

Applicant(s)

CONNELLY, MICHAEL P.

Examiner

Adetokunbo O. Torimiro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 03/11/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because reference character "102" has been used to designate both "video graphic reels" and "various buttons" both in par. 3 of the Detailed Description.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: **ref. no. 103, fig.1.**

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: The Specification fails to disclose claimed subject matter "machine-readable medium" as seen in claim 20.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 20 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As it appears, there was no further explanation regarding machine-readable medium, therefore examiner assumes that it could be software. Applicant is to clarify the machine-readable medium by providing proper information.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 20: the limitations “the audio module” in line 6-7. There is insufficient antecedent basis for these limitations in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1, 2, 4-10, 12-18, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hecht et al (US 2003/0073491).

Re claim 1: Hecht et al discloses a computerized gaming system, comprising: a gaming module (10a), comprising a processor (38) and gaming code (72) which is operable when executed on the processor (38) to conduct a reel slot machine wagering game on which monetary value can be wagered (see fig.1a, 2, and 3; par. [0038]; and par. [0055], lines 5-8); and an audio module / *sound card* (42), the audio module operable to play an audio track / *music, sound files* during reel spins, the audio module (42) further operable to maintain audio track rhythm over multiple reel spins (see fig.3; par. [0047]; and par. [0054], lines 3-9).

Re claim 2: Hecht et al discloses the computerized gaming system wherein the audio module / *sound card* (42) is operable to maintain audio track / *music, sound files* rhythm over multiple reel spins by playing a track / *music, sound files* continuously and by further fading in the track in conjunction with a spinning reel and by fading out the track in conjunction with a stopped reel (see fig.3; par. [0047]; par. [0054], lines 3-9; and par. [0067], lines 7-9).

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Re claim 4: Hecht et al discloses the computerized gaming system wherein the audio module / *sound card* (42) is operable to maintain audio track rhythm over multiple reel spins by playing the track / *music, sound files* from a point calculated / *sound-causing event* to maintain rhythm from a previous reel spin upon initiation of reel spin (see par. [0054], lines 3-9).

Re claim 5: Hecht et al disclose the computerized gaming system wherein the reels (34) are video representations of reels (34) on a video slot machine (see fig.1a; par. [0037], lines 7-11).

Re claim 6: Hecht et al discloses the computerized gaming system wherein the reels (34) are mechanical reels under the control of the computerized gaming system (see fig.1a; par. [0036], lines 5-9).

Re claim 7: Hecht et al discloses the computerized gaming system wherein the audio module / *sound card* (42) is operable to maintain audio track / *music, sound files* rhythm over multiple reel spins by playing a track / *music, sound files* continuously and by further fading in the track in conjunction with a spinning reel and by fading the track to a reduced volume in conjunction with a stopped reel (see fig.3; par. [0047]; par. [0052], lines 1-4; par. [0054], and lines 3-9).

Re claim 8: Hecht et al discloses the computerized gaming system wherein the audio

module (42) is further operable to play at least one additional audio track in rhythm with the audio track / *sound file* played during reel (34) spin (see fig.4; par. [0070], lines 4-7).

Re claim 9: Hecht et al discloses a method of operating a computerized gaming system, comprising: playing an audio track / *music, sound files* during reel spins of a reel slot machine game (10a) via an audio module / *sound card* (42), the audio module (42) further operable to maintain audio track rhythm over multiple reel spins (see fig.1a and 3; par. [0047]; and par. [0054], lines 3-9) and wherein the reel slot machine game comprises a game upon which monetary value can be wagered (see par. [0055], lines 5-8).

Re claim 10: Hecht et al discloses the method wherein the audio module / *sound card* (42) is operable to maintain audio track / *music, sound files* rhythm over multiple reel spins by playing a track / *music, sound files* continuously and by further fading in the track in conjunction with a spinning reel and by fading out the track in conjunction with a stopped reel (see fig.3; par. [0047]; par. [0054], lines 3-9; and par. [0067], lines 7-9).

Re claim 12: Hecht et al discloses the method wherein the audio module / *sound card* (42) is operable to maintain audio track rhythm over multiple reel spins by playing the track / *music, sound files* from a point calculated / *sound-causing event* to maintain rhythm from a previous reel spin upon initiation of reel spin (see par. [0054], lines 3-9).

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Re claim 13: Hecht et al disclose the method wherein the reels (34) are video representations of reels (34) on a video slot machine (see par. [0037], lines 7-11).

Re claim 14: Hecht et al disclose the method wherein the reels (34) are mechanical reels under the control of the computerized gaming system (see fig.1a; par. [0036], lines 5-9).

Re claim 15: Hecht et al discloses the method wherein the audio module / *sound card* (42) is operable to maintain audio track / *music, sound files* rhythm over multiple reel spins by playing a track / *music, sound files* continuously and by further fading in the track in conjunction with a spinning reel and by fading the track to a reduced volume in conjunction with a stopped reel (see fig.3; par. [0047]; par. [0052], lines 1-4; par. [0054], and lines 3-9).

Re claim 16: Hecht et al discloses the method wherein the audio module (42) is further operable to play at least one additional audio track in rhythm with the audio track / *sound file* played during reel (34) spin (see fig.4; par. [0070], lines 4-7).

Re claim 17: Hecht et al discloses a computerized gaming system, comprising: a gaming module (10a), comprising a processor (38) and gaming code (72) which is operable when executed on the processor (38) to conduct a reel slot machine wagering game on which monetary value can be wagered (see fig.1a, 2, and 3; par. [0038]; and par. [0055], lines 5-8); and an audio module / *sound card* (42), the audio module

operable to play an audio track / *music, sound files* during reel spins at a louder volume level and to play the audio track at a quieter or muted volume level when the reels are not spinning, the audio module (42) further operable to maintain audio track rhythm over multiple reel spins (see fig.3; par. [0047]; par. [0052], lines 1-4; par. [0054], lines 3-9; and par. [0067], lines 7-9).

Re claim 18: Hecht et al discloses the computerized gaming system wherein the audio track / *sound files* comprises multiple audio element tracks / *sound files, musical sound recordings, sound effect recordings* (see par. [0048]), and wherein only select / *certain* audio element tracks / *sounds, music* are played on each reel spin (see par. [0010], lines 9-13).

Re claim 20: Hecht et al discloses a machine-readable medium / *memory storage devices* with instructions stored thereon (see par. [0011], lines 5-6), the instructions when executed operable to cause a computerized gaming system to: conduct a reel slot machine wagering game upon which monetary value can be wagered (see fig.1a, 2, and 3; par. [0038]; and par. [0055], lines 5-8); and play an audio track during reel spins at a louder volume level and to play the audio track at a quieter or a muted volume level when the reels are not spinning, the audio module further operable to maintain audio track rhythm over multiple reel spins (see fig.3; par. [0047]; par. [0052], lines 1-4; par. [0054], lines 3-9; and par. [0067], lines 7-9).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hecht et al (US 2003/0073491) in view of Bates et al (US 2003/0130020). The teachings of Hecht et al have been discussed above.

Re claim 3: Hecht et al teach the computerized gaming system comprising an audio module / *sound card* (42).

However, Hecht et al fails to teach the computerized gaming system wherein the audio module is further operable to loop play the continuous track such that rhythm of the track is maintained.

Bates et al teaches the computerized gaming system wherein the audio module (305) is further operable to loop play the continuous track / *sound* such that rhythm of the track is maintained (see **fig.3; par. [0023], lines 10-12**).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include in the computerized gaming system an audio module further operable to loop play the continuous track such that rhythm of the track is maintained, so as to prevent the player from getting bored by attracting the attention of the players of the gaming system, thereby increasing the players enjoyment of the gaming system.

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Re claim 11: Hecht et al teach the method of operating a computerized gaming system comprising an audio module / *sound card* (42).

However, Hecht et al fails to teach the method wherein the audio module is further operable to loop play the continuous track such that rhythm of the track is maintained.

Bates et al teaches the method wherein the audio module (305) is further operable to loop play the continuous track / *sound* such that rhythm of the track is maintained (see fig.3; par. [0023], lines 10-12).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include in the computerized gaming system an audio module further operable to loop play the continuous track such that rhythm of the track is maintained, so as to prevent the player from getting bored by attracting the attention of the players of the gaming system, thereby increasing the players enjoyment of the gaming system.

12. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hecht et al (US 2003/0073491) in view of Tsukahara (US 6,416,411). The teachings of Hecht et al have been discussed above.

Re claim 19: Hecht et al teach the computerized gaming system with reel spin (see par. [0054], lines 8-9).

However, Hecht et al fails to teach the computerized gaming system wherein at least one of the selected audio element tracks played on each reel spin is randomly selected for each reel spin.

Tsukahara teaches the computerized gaming system wherein at least one of the

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selected audio element tracks played on each reel spin is randomly selected for each reel spin (see col.10, lines 5-9).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include in the computerized gaming system a random selection of audio element tracks for each reel spin so that the player do not loose pleasure in the game by hearing the audio tracks in the same sequence every time; including the random audio track selection increases the players appeal in the computerized gaming system thereby increasing the players enjoyment of the gaming system.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gwiasda et al discloses a slot machine arm switch controller; Yoseloff et al discloses a reel or video reel gaming format; Okuniewicz discloses a programmable sound card for electronic devices; Hecht et al discloses a gaming device having pitch-shifted sound and music; Smith et al discloses a gaming system and method.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adetokunbo O. Torimiro whose telephone number is (571) 270-1345. The examiner can normally be reached on Mon-Fri (8am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on (571) 272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application

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AOT

A handwritten signature in black ink, appearing to read 'Jong Suk Lee', is positioned above the printed name and title.

JONG SUK LEE
SUPERVISORY PATENT EXAMINER